A Particular Account of the Proceedings at the Old-Bayly, the 17 & 18 of this Inſtant October, with Relation to the Earl of Shaftsbury, and others, Priſoners in the Tower; and Mr. Rouſe, who was Indicted of High Treaſon, &c.

ON Monday the 17th *Octob.* began at the *Old-Baily*, the General-Seſſions of Goal-delivery for the City of *London*, and County of *Middleſex*; where ſeveral Petitions were preſented to the Court, on the behalf of the Earl of *Shaftesbury*, Lord *Howard* of *Eſcricke*, Mr. *Wilmore*, and Mr. *Whitaker*, Priſoners in the *Tower*, and Mr. *Wilſon* Priſoner in the *Gatehouſe*, Praying they might be Bayled or brought to their Tryals; upon Reading whereof, the Court Declared,

That as to all the Petitions from the Priſoners in the *Tower*, they were to the ſame effect with thoſe that had been formerly preferred; and whereupon, all the Judges had delivered their Opinions, that the Matter deſired was not within the Power of this Court, but their remedy upon the Act was to move the Court of *Kings Bench* the firſt week of the next Term, and the Court, was now of the ſame Opinion: And as to the Petition of *Wilſon*, he was not within the power of this Court, in regard the Commiſſion of Goal-delivery, is limited to the Priſon of *Newgate*, and extended to no other Priſon; and it was mentioned, that the ſame had been formerly reſolved in this Court, upon the like Petition of one *Chriſtian*.

Then the Perſons Empanelled to ſerve on the Grand Jury for the Goal-delivery for *London*, being returned to be Sworn, Objection was made againſt moſt of them, by Council that attended by appointment of Mr. Attorney-General, as being Diſſenters from the Church of *England*; and two of them being charged by Name, were examined by the Court, and they not denying their going to Conventicles, but refuſing to Anſwer, the Court directed the Secondary to name two others; and thereupon directed the Sheriffs to return the Panell ſo reformed, by putting in the Names of the two Perſons ſo named by the Secondary, inſtead of the other two, which the Sheriffs at firſt refuſed to do; but the Lord Chief Juſtice, and all the other Judges then preſent, Declaring the Law in that Caſe; and the Act of 3 *Hen.* 8. being read, the Sheriffs did at laſt conſent to return the Panell ſo Reformed.

The ſame day Mr. *John Rouſe* was removed from the *Tower* to *Newgate*, in order to his Trial: And on *Tueſday* the 18th, an Indictment of High Treaſon was Preferred againſt the ſaid *John Rouſe*, by which he is charged to have Compaſſed and Imagined the Death of the King, and to have endeavoured to raiſe a Rebellion, and to Depoſe His Majeſty from His Crown and Dignity; and this his Wicked and Traiterous Deſign, to have uttered and declared by Malicious and adviſed Words and Diſcourſes. The Witneſſes were at the deſire of the King's Councel, Examined in Court. And the Jury having heard the Evidence, withdrew,

*EB65. A1vo. 681p7

withdrew, and after ſome time returned, and deſired they might Examine the Witneſſes in private, which the Court did not think fit to allow of, it being Mr. Attorney's deſire to have it otherwiſe; and the Grand Jury pretending a Priviledge to have it ſo, The Court told them they had a Priviledge to Conſult privately, but the King's Evidence might at any time be given either Publickly or Privately, as the Court ſhould Order; but they ſhould be allowed to have the Evidence given over again, and to Examine the Witneſſes as throughly as they pleaſed: Whereupon they deſired the Witneſſes might be kept apart, and out of hearing of what was ſaid in Court, and called one after another, to give their Evidence, which was done accordingly. The ſubſtance of the whole Evidence was as follows,

First, *Mr.* John Wiat *a Gentleman of a good Eſtate, was Sworn, and depoſed, That being in company with Mr.* Rouſe, *he the ſaid* Rouſe, *after other Diſcourſe, did ſay, that he believed the Parliament at* Oxford *would not ſit long; but that the frequent Prorogations and Diſſolutions would little avail the King, for that he would be forced to comply with them; that all he had was given him by the Parliament, and they might take it away again when they pleaſed; and that he, the Deponent, ſaying thereupon, That he thought the King had as much right to his Crown, as he, the Deponent, had to any Eſtate deſcended to him from his Anceſtors;* Rouſe *replied, The King had forfeited his Crown by breaking his Coronation Oath, and had no more Right to it, than he, or any body elſe. Then Mr.* Corbin (*who was employed together with Mr.* Rouſe *by the Commiſſioners appointed for Disbanding the late Army*) *was Sworn, and declared, That being preſent at the Diſcourſe between Mr.* Rouſe *and Mr.* Wiat, *he heard Mr.* Rouſe *ſay the words above mentioned, or to that effect.*

Mr. Hayns *Swore, That the ſaid* Rouſe *had ſaid to him at ſeveral times, That the People of* England *were better than the King, that they would deal with him well enough, though he Diſſolved the Parliaments; That they would pull him down, and ſerve him as they did the Fool his Father; That the ſaid* Rouſe *came to him the Deponent ſeveral times and would have had him Swear that the King was privy to the Firing of* London, *and to the Death of Sir* Edmundbury Godfrey, &c. *and would have had him ſcatter Libels, to make the People Riſe againſt his Majeſty. And that he the Deponent had received ſeveral Sums of Money from the ſaid* Rouſe.

Mr. *Denis* ſwore, *That* Rouſe *at ſeveral times told him, The King was a Papiſt, and intended to bring in Popery; That He therefore put off Parliaments, but that they would no longer bear with Him, but would compel Him to let the Parliament ſit, until they had accompliſhed their Ends. That He was appointed to collect Moneys for the Maintenance of the Witneſſes; and that they need not fear any Proſecution, for that they would get ſuch Juries, as would never find them Guilty. And that the Deponent received a Weekly Allowance from* Rouſe.

Mr. *Smith*, who was a Witneſs againſt the Lord *Stafford*, ſwore, *That* Rouſe *told him at ſeveral times that he gathered Moneys, and was to give freely to ſuch as would ſwear any thing againſt the Queen or the Duke; And that the ſaid* Rouſe *ſhewed him*, the Deponent, *an Information, (which he would have had* Mr. Haynes *ſwear to) wherein it is ſaid that the King knew of the Firing of* London, *and the Death of Sir* Edmundbury Godfrey.

Mr. *Turberville*, likewiſe a Witneſs againſt the Lord *Stafford*, ſwore, *That ſome time after* Fitz-Harris's *Tryal, being with Mr.* Rouſe, *and talking of the Times, and he*, Mr. Turberville, *ſaying, That they that had Eſtates to loſe, would have a care how they fell into a Rebellion;* Rouſe *replyed, The Rabble are all on our ſide, and they that have Eſtates among them, muſt do as they will have them.*

Mr. *Ivie*, and Mr. *John Macnamara* ſwore, *They had received ſeveral Sums of Money from Mr.* Rouſe; and Mr. *Ivie* ſaid, *Mr.* Rouſe *would have had him ſwear againſt the King, the Queen, and the Duke.*

The Witneſſes being asked concerning their Religion, all declared *They were Proteſtants.* And there were other Witneſſes that were not examined.

Then the Grand Jury withdrew, and after ſome Hours, returned the Bill endorced, *Ignoramus.* And the Court being Surprized thereat, and asking the Foreman, how they could upon ſo full an Evidence, return an *Ignoramus*, being they were upon their Oaths, and whether they believed not the Witneſſes, or were unſatisfied in Matter of Law; for if they doubted the Law in any thing, they might have had the Opinion of the Court. The Foreman anſwered, That that was their Verdict, and they had ſatisfied their own Conſciences, and conceived they were not bound to ſhew any Reaſons for it.

In the *SAVOY*.

Printed by *Thomas Newcomb*, 1681.

Harvard College
28 May 1913